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SUBJECT: MARINE CASE UPDATE 10/20/06

REF: MANILA 4257 AND PREVIOUS

¶1. Makati Regional Trial Court Judge Benjamin Pozon publicly promised to take a two week period exclusively to review the evidence in the case in order to render a verdict November 27.

¶2. In a television interview aired by ABS-CBN October 17, two of the Marines again professed their innocence. LCpl Daniel Smith said, "I don't feel that I have anything to apologize for. I think it should be the other way around. She's ruined our lives and I didn't do anything wrong and not one of these guys did anything wrong and so there would be no reason for us to apologize." SSgt Chad Carpentier added, "knowing we did nothing wrong, we can't imagine a guilty verdict... obviously there is fear in the back of our minds, but we tend to believe that justice will prevail and we'll go home." Portions of this television interview were also carried widely in Philippine print media.

¶3. With the verdict expected next month, Emboffs at all levels will decline to speculate publicly or privately on the verdict or its possible aftermath, while continuing to underscore the presumption of innocence of the accused. Current public affairs talking points on this case are:

- This has been an emotional and difficult case for everyone involved.
- It is the principle of Philippine and American law that anyone accused of a crime is presumed innocent until proven guilty. The U.S. is committed to seeing that justice is served, through a fair and impartial process that can provide for a just outcome.
- The U.S. has cooperated with Philippine authorities in accordance with the Visiting Forces Agreement since day one. The case is being tried by a Philippine judge under Philippine jurisdiction.
- It would be inappropriate for the United States to speculate on the verdict that the Philippine judge may render.

¶4. Mission continues to provide security, citizen services, and other support to the defendants. Personnel from III MEF, JUSMAG, the Regional Security Office (RSO), and the Consular Section attended all court sessions. RSO was consistently pleased with the extent and quality of security support provided by the mayor's office and police department, and expects the same level of cooperation on the day of the verdict. The Consular Section has responded to family member inquiries. Embassy continues to provide access to some fitness and sports facilities on the Chancery grounds for the four Marines, whose morale remains good.

KENNEY